IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.659 OF 2005

IN

SUMMARY SUIT NO.2270 OF 2004

Rabo India Finance Pvt.Ltd. ...Plaintiffs

Versus

Ashima Limited ...Defendants

And

Clearwater Capital Partners

India Pvt.Ltd. ...Applicants

.....

Mr.Biren Saraf i/b M/s.Negandhi, Shah & Himayatullah for Plaintiffs & Applicants.

Mr.Ravi Kadam with P.C.Mankad for Defendnats.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 16, 2005.

P.C.

1. Heard Counsel for the parties. Although, the Plaintiffs in the affidavit in support of this Application have stated that the Applicants be

appended as Plaintiffs in place and stead of the original Plaintiffs, during the course of argument, Counsel for the Applicants fairly accepts that that is not the relief pressed in the Chamber Summons, nor in the submissions made across the bar.

2. Insofar as prayer for impleading Applicants as Plaintiffs, that is not opposed by the Counsel appearing for the Defendants on the submission that the Defendants may be permitted to file additional written statement in view of the amended Plaint, as may be advised.

3. Accordingly, Chamber Summons made absolute in terms of payer clauses (a) and (b). Amendments be carried out within four weeks from today. No order as to costs.

4. It will be open to the Defendants to file additional written statement in the light of amended Plaint, if so advised.

A.M.KHANWILKAR, J.